

REMARKS

Claims 1-17 are pending in the application. Claim 1 - 8 and 11 - 17 have been rejected as being anticipated by U. S. Patent No. 5,928,973 to Daniel et al. Claim 9 has been rejected as being unpatentable over Daniel et al. in view of GB 2 324 064. Claim 10 has been rejected as being obvious over Daniel et al.

Claim 1 has been amended to conform the application to United States patent practice. This amendment is purely formal and adds no new matter to the claim as originally filed. An Abstract of the Invention has been added as required by the Examiner.

The present application claims priority of PCT International Application serial number PCT/GB/02619, filed on September 1, 1998 and United Kingdom Application serial number 9720436.6, filed on September 26, 1997. The PCT priority document and the United Kingdom priority document are identified on the Declaration and Power of Attorney of the national stage, as well as on the filing receipt of the national stage application. A priority date of September, 26, 1997 is noted on the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 of the national stage application. Therefore, present application is entitled to a priority date of September 26, 1997.

Examiner cites U.S. Patent No. 5,928,973 to Daniel et al., filed on September 29, 1997 and issued on July 27, 1999, as a reference under 102(e). As the present application's priority date of September 26, 1997 is *three days earlier* than the Daniel et al. filing date of September 29, 1997, Applicant respectfully submits that Daniel et al. is removed as a reference in view of the earlier filing

date of the United Kingdom priority document.

As each rejection depends on the Daniel et al. reference, Applicant respectfully submits that all claims are patentable over the references cited by the Examiner and are in condition for allowance.

Further, Applicant respectfully contends that, if Daniel et al. were a valid prior art reference, claims would still be patentable over Daniel et al. Claim 2 includes the limitation of a polyethyleneterephthalate fiber, which is not disclosed or suggested by Daniel et al. Claims 5 - 7 includes the limitation 10 - 60%, 20 - 60%, and 25 - 60% cellulosic fibre, which are not disclosed or suggested by Daniel et al. Claims 11 - 16 are directed to articles (i.e., a fiberball, a wadding, a padding, a bedding article, an article of clothing) including the non-woven of the present application. The articles are not disclosed or suggested by Daniel et al.

Early and favorable consideration of the present application is requested respectfully.

Respectfully submitted,


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ABSTRACT

A non-woven material includes a polyester fiber and a cellulosic fiber. The non-woven material may be obtained by an organic solvent spinning process, producing a non-woven material with improved thermal and/or breathability properties. The non-woven material may be in the form of a fiberball, a wadding, a padding, a stuffing, or a filling material.